

# MEETING SUMMARY

## National Environmental Conflict Resolution Advisory Committee

Tuesday, November 19 & Wednesday, November 20, 2002

St. Philip's Room, Windmill Inn

Tucson, Arizona

### MEETING ATTENDANCE

#### Committee Members and Surrogates

Tom Jensen, Troutman Sanders, L.L.P., Committee Chair

Dinah Bear, Council on Environmental Quality, Executive Office of the President,  
Committee Vice Chair

Don Barry, The Wilderness Society

Gail Bingham, RESOLVE

Brent Blackwelder, Friends of the Earth

Hooper Brooks, Surdna Foundation

Cindy Burbank, Federal Highway Administration

Christine Carlson, Policy Consensus Initiative

Larry Charles, ONE/CHANE

Sally Collins, USDA Forest Service

Patrick Meehan, U.S. Department of Defense

Dwight Evans, Southern Company

Stan Flitner, Diamond Tail Ranch

Harry Grant, Riddell Williams, P.S.

Bruce Meyerson, Bruce Meyerson, P.L.L.C.

Pauline Milius, U.S. Department of Justice

Anne Miller, U.S. Environmental Protection Agency

Lynn Scarlett, U.S. Department of the Interior

Greg Schildwachter, Governor of Idaho's Office of Species Conservation

Dean Suagee, Vermont Law School, First Nations Environmental Law Program

Michael Sullivan, Rothgerber, Johnson & Lyons, L.L.P

Terry Williams, Tulalip Tribes of Washington

#### Morris K. Udall Foundation Board/Staff and U.S. Institute Staff

Kirk Emerson, Designated Federal Official (DFO)

Ellen Wheeler, Committee Management Officer (CMO)

Terry Bracy, Chair, Morris K. Udall Foundation Board of Trustees

Anne Udall, Vice Chair, Morris K. Udall Foundation Board of Trustees

Mike Rappoport, Member, Morris K. Udall Foundation Board of Trustees

Chris Helms, Executive Director, Morris K. Udall Foundation

Jo Barnier

Joan Calcagno

Melanie Emerson

Mike Eng

Larry Fisher

Morris K. Udall Foundation Board/Staff and U.S. Institute Staff (cont'd)

Christina Gargus

Dale Keyes

Pat Mahalish

Sarah Palmer

Cherie Shanteau

Observers

Julia Riber, USDA Forest Service

Randall Smith, Coronado National Forest

**MEETING SUMMARY**

Tuesday, November 19, 2002

Dr. Kirk Emerson, U.S. Institute for Environmental Conflict Resolution (U.S. Institute) director and Designated Federal Official (DFO) opened the first meeting of the National Environmental Conflict Resolution Advisory Committee (Committee) at 8:15 am. Dr. Emerson officially welcomed all the members and thanked Thomas Jensen and Dinah Bear for their willingness to act as Chair and Vice Chair to the Committee.

Dr. Emerson acknowledged those members of the Committee who were unable to attend and those who sent surrogates in their place, including: Honorable Richard Arnold, Eighth Circuit Court of Appeals; John Ehrmann, Meridian Institute; John Raidt, consultant; and, Mark Schaefer, NatureServe.

Christina Gargus, of the U.S. Institute, provided an overview of meeting logistics and information resources provided.

Chair Tom Jensen welcomed the Committee and thanked them for volunteering their time, energy and commitment. He acknowledged the diversity and breadth of the Committee membership. He thanked Dr. Emerson, Chris Helms, Ellen Wheeler and the U.S. Institute staff for their effort in establishing the Committee and planning the first meeting. Mr. Jensen suggested that it would be critical to involve the U.S. Institute staff directly in the Committee's work and indicated his interest in that ongoing collaboration.

Mr. Jensen welcomed the public and indicated that there would be time toward the close of the meeting for verbal public comments. Very few members of the public were present for the meeting.

He set the tone of the meeting, asking for non-partisanship, tolerance of one another and active engagement with one another and the topics. He asked that members be contributory, creative and productive, giving as much of themselves as possible. He acknowledged the hard work ahead and difficult questions posed to the Committee for their consideration.

Members then introduced themselves, giving brief introductions highlighting their background and experience as well as their motivations for volunteering time on the Committee. Mr. Jensen summarized what he had heard from the Committee, and also acknowledged the broad diversity and accomplishments of the membership. He identified a common link amongst all the

members: engagement in public life, public service and public issues. He laid out the charge and challenge posed to the Committee:

- 1) Determining whether there exist, or can be created, new and meaningfully better ways to resolve, or ideally to prevent, environmental and natural resource disputes.
- 2) Addressing whether alternative ways of resolving or avoiding disputes will carry the country closer to realizing the aspirational goals at the heart of the National Environmental Policy Act (NEPA).

Mr. Jensen read for all present relevant portions of Section 101 of NEPA.

In conclusion he stated, “The Committee is charged with trying to help the Institute find the means, not the ends, to improved environmental conflict resolution. The Committee is about improving governance (not government) so that more conflicts can be avoided, minimized in intensity or resolved....This Committee’s opportunity is to take what we know about management, law, dispute resolution, finance, policy and human nature to help the Institute move forward and test Congress’ hypothesis that the country can and must do better...Ideally, we will help the Institute identify tools for invigorating one of the most vital processes in our society—the interaction between citizens and their government.”

Ellen Wheeler, Committee Management Officer, delivered a brief overview of the Committee’s structure. She indicated that copies of the Committee’s charter and interim bylaws were located in the distributed materials. She clarified the roles of the Committee Chair and the Designated Federal Official (DFO) by explaining that it is Mr. Jensen’s job to work with and guide the Committee to consensus and that he will be planning the agendas and appointing subcommittees if needed. Dr. Emerson is the Designated Federal Official and acceptor of advice and ultimately it is the responsibility of the Board of Trustees of the Udall Foundation and Dr. Emerson to take action on recommendations. Ms. Wheeler stated that all meetings will be open to the public and that bylaws were drafted as interim for the first meeting and additions or changes can be made for the subsequent meetings.

Dr. Emerson gave a brief overview about the creation of the Morris K. Udall Foundation and the U.S. Institute. She clarified the Institute’s charge from Congress and indicated that the Institute works on a range of environmental and public lands conflicts, from policy dialogue and planning, to regulatory negotiations and mediated settlements within the context of litigation. She indicated that the Institute’s requirement to work with practitioners located in the area of the dispute, when practicable and appropriate, led to development of the National Roster of Environmental Dispute Resolution and Consensus Building Professionals, and that the Institute is required also to advise CEQ when it becomes engaged in environmental disputes that involve two or more federal agencies.

She stated that the Institute hoped to obtain advice from the Committee on three inter-related matters:

- a) **Strategic directions for the Institute:** How should the Institute continue to assure its institutional neutrality, how can the Institute increase the use of environmental conflict resolution by the federal courts, how should the Institute most effectively engage and inform stakeholders, and should the Institute’s work should extend to international conflicts?
- b) **Implementation of NEPA Section 101:** Will the Institute effectively implement Congress’ direction regarding NEPA section 101 by a) studying how Section 101 has

been implemented by federal agencies and how collaborative processes and ECR can improve the attainment of goals in 101, b) conducting proposed NEPA pilot projects and other similar efforts, and c) evaluating the need for explicit guidance from the Institute to CEQ, to other federal agencies or to Congress?

- c) **Improvement and application of environmental conflict resolution practice, performance and policy:** How can the Institute best evaluate the evolving standards of ECR practice in the field and develop draft policies for and best practices within the field?

Dr. Emerson spoke of the Institute's commitment to add value to ECR by providing services that are not already available elsewhere. She described the unique benefits that arise from the Institute's location in the federal government. The Institute's agency status and independence allow it to develop and project a recognizable national identity, tap into an already established network of agencies, tribes and states with whom to team and deliver services, and to build connections with the federal courts.

To provide the Committee with perspective on the Institute's work and contributions to date, Dr. Emerson introduced three senior program managers, each of whom presented a short overview of a representative case for which the U.S. Institute is providing services:

- Dale Keyes, Ph.D., presented background on and the complex issues involved with the environmental streamlining of transportation projects and the U.S. Institute's work with the Federal Highway Administration. He specifically highlighted the case of a proposal to replace (or supplement) a historic lift bridge between Stillwater, MN, and Houlton, WI.
- Mike Eng talked about his work on an ongoing and controversial conflict focusing on water deliveries to and within the Everglades National Park. He highlighted the completion of a conflict assessment that considers the issues of key concern, the goals the primary agencies have regarding a multi-stakeholder EIS process, the obstacles to successful collaboration, and the feasibility of pursuing a multi-stakeholder approach. He mentioned a recent Memorandum of Understanding establishing the four primary agencies' formal commitment to work together to seek agreement on the key steps in the EIS process and to jointly sponsor a multi-stakeholder process in which they would collectively consult with and seek the involvement of other entities that may have an interest in participating.
- Larry Fisher, Ph.D., discussed the Lower Snake Bruneau and Birds of Prey National Areas managed by the Bureau of Land Management in Owyhee County, Idaho, a high recreation use area near Boise. One area discussed regarding the conflict assessment on this case was how far the agency should go with public involvement, recommending formal consultations with existing forums (tribes, intergovernmental, and Resource Advisory Committee), and informal consultation with interest groups.

Dr. Emerson invited Committee members to share their thoughts on other cases. Larry Charles presented to the Committee the history of an environmental justice case he worked on in urban Hartford, Connecticut and acknowledged how the case and its organization differed from the large national processes described by others.

Dr. Emerson indicated four types of products or outcomes the Committee might provide back to the Institute, including analytical reports, public outreach meetings, policy recommendations that

could be conveyed to CEQ, other agencies and Congress, and programmatic advice for the Institute. Dr. Emerson expects the Committee to issue a final formal report with recommendations at the end of the Committee's initial two-year term.

Dr. Emerson indicated that the Institute's financial resources were likely to be adequate to underwrite two full Committee and two subcommittee meetings a year, videoconferencing and conference calls, and staff support.

To help the Committee members better understand how to respond to the Institute's request for advice on implementation of section 101 of NEPA, Dinah Bear gave a presentation on the history of and the case law surrounding the interpretation and implementation of that section of NEPA. In sum, she indicated that Section 101 of NEPA has not been viewed as enforceable policy but as a series of aspirations or goals.

### **Emergent Discussion Areas of Inquiry for the Committee**

The Committee began its initial deliberations in response to several questions presented to the Committee members by Institute staff. Those questions were:

- What are the institutional opportunities and challenges for the Institute in the years ahead—re: mandate, mission, maintaining neutrality, sizing, sources of funds, etc?
- How can we reconcile the call for collaborative decision making and alternative means of resolving environmental disputes with the growing demand for environmental streamlining and "less process"?
- How can we address the concerns and limitations that have been identified with the use of ECR, collaborative processes, and consensus building?
- How does the Institute's ECR work relate to Section 101 of NEPA?
- How can we better achieve the objectives of Section 101 through ECR, collaborative processes and consensus building?
- How can Section 101, as a statement of our national environmental policy objectives, serve as a guide for improvements in ECR use and practice?

The Committee discussed those questions and the result of the discussion was that the Committee identified five principal areas of inquiry that should be pursued in order to respond meaningfully to Congress's charge to the Institute. Those five areas of inquiry are outlined here and are elaborated on in the following section of this summary:

- I. Communities need to be affirmatively encouraged and empowered through capacity building to participate effectively in environmental conflict resolution and decision-making processes
- II. Communities, ECR practitioners, and other stakeholders need education in ECR and NEPA to achieve fulfillment of the Institute's mission and Congressional charge
- III. Impartial technical/substantive expertise is required to effectively complement process expertise
- IV. The Institute needs a clear role in conflict prevention, dialogue, and consensus building
- V. The Institute needs to articulate a role in approaching the objectives set forth in Section 101 of NEPA

The Committee meeting was recessed at approximately 12:30 p.m. The Committee reconvened at Sabino Canyon Recreation Area in the Coronado National Forest, where the members received a briefing on forest management issues and controversies from the forest supervisor.

Wednesday, November 20, 2002

The Committee meeting was called to order at 8:15 a.m.

Committee Chair, Tom Jensen, provided a brief overview of the day's revised agenda (see Appendix B for the revised and original agendas).

Michael Eng, Senior Program Manager at the U.S. Institute related back to the Committee five areas of inquiry for the Committee (see above), which emerged throughout the discussion the day before, to clarify what had been covered and to augment the list with additional ideas. He then facilitated a discussion on each of the five areas, asking the Committee to expand the discussion to clarify and add specific questions and detail to each of those areas.

### **Emergent Discussion Areas of Inquiry for the Committee**

#### **I. Communities need to be affirmatively encouraged and empowered through capacity building to participate effectively in environmental conflict resolution and decision-making processes.**

The Committee identified the following communities as those who may possibly benefit from direct engagement and capacity building for effective participation. The Committee recognizes that this is a preliminary list and not all-inclusive or prescriptive of community needs or desires:

- Urban/minority
- Tribal/Alaskan/Hawaiian natives
- Small, grassroots environmental groups
- Rural/agricultural
- Fishing/coastal communities
- Small businesses

The Committee asked the Institute to clarify what is working well with communities and brainstormed the following ideas and approaches to the larger question:

- Leverage the connection to the communities and ubiquity of community mediation centers
- Implement training by Indian Dispute Resolution Service (IDRS)
- Provide self-assessment tools for participants, conveners, work units in agencies to engage in partnerships
- Address environmental justice (EJ) populations
- Provide opportunities for skills development for ECR participation
- Promote diversity in participation to achieve environmental justice
- Provide access to independent (trustworthy) advice/consultation when projects affect them
- Provide project-specific assistance to ALL groups
- Share information with all stakeholders
- Provide training to the corporate community for effective participation in ECR processes

**II. Communities, ECR practitioners, and other stakeholders need education in ECR and NEPA to achieve fulfillment of the Institute's mission and Congressional charge.**

- Education/Capacity building is big topic-How can the Institute be most effective at leveraging its influence in this area?
- Assemble a directory of training sources
- Consider the idea that education/capacity building = prevention
- Develop related recommendations for agencies engaging in or promoting ECR processes
- Recognize that people in the community of a conflict have a larger stake in the outcome while balancing the understanding that some areas (where conflicts exist) are of "national" significance and the outcome will have national impact
- Address the varying educational needs of different groups
- Create a taxonomy of people's standing
- Consider that involvement depends on where on the spectrum (of resolution processes—see Appendix B) and context for ECR

**III. Impartial technical/substantive expertise is required to effectively complement process expertise.**

- Recognize that creation of a directory of providers and nothing beyond that probably would not be adequate
- Money may be available to hire neutral experts for those without access during regulatory negotiations
- Recognize the joint fact-finding as an effective approach
- Recognize that there is no such thing as "impartial" technical experts
- Consider the importance of ground rules and timelines being negotiated early on
- Engage in cooperative research efforts (far upstream) with stakeholders, framing questions to be investigated
- Use expert panels (agreed to by all parties) in downstream situations
- Look to industry to provide resources for collaborating on research and investigations
- Recognize the importance of site-specific approach and funding by agencies
- Consider that this topic should not be addressed by the Institute unless it came up in a specific negotiation (not focus of FACA right now)
- Provide guidance and rules regarding collaboration on science
- Embrace the importance of sticking to "core" business--importance of maintaining impartiality
- Think beyond the Institute (others, like EPA, provide funding for this)

**IV. The Institute needs a clear role in conflict prevention, dialogue, and consensus building.**

- Think about whether the name of the Institute negatively influences its ability to accomplish objectives
- Address problems/issues of getting all the parties to the table including whether the government going out alone is the best way of achieving that
- Engage in joint convening: public, private conveners (role of USIECR)
- Advocate for processes that promote prevention
- Consider rule changes, legislation changes that promote prevention
- Recommend procedural changes (not substantive)
- Frame the situation as "opportunity" early on
- Understand the concerns out there that ECR collaborations are undemocratic
- Address the need/benefit for differences to be raised

- Be careful of normative pressures to get along
- Recommend upstream consensus-building process
- Utilize assessments to identify sources/origins of conflict
- Recommend procedural changes based on analysis of learning
- Assist groups with inadequate resources

**V. The Institute needs to articulate a role in approaching the objectives set forth in Section 101 of NEPA.**

- Look at the range that NEPA addresses: policies, plans, programs, projects which require different scopes of analysis
- Step away from site-specific conflicts, convene programmatic processes, help anticipate conflicts and look at broader environmental goals
- Consider whether NEPA can be used as a “planning” tool away from specific decision making
- Recognize that environmental assessment can be valuable in many contexts
- Learn about efforts to initiate a neutral center in Washington or Idaho to examine ECR documents and develop new options
- Acknowledge that work of the Institute already contributes to goals of 101
- Support durable agreements
- Build consensus within society promoting environmentally sustainable solutions; build consensus early on (upstream processes)
- Ask, “What is missing?”
- Help agencies understand this connection
- Recognize limitations: some issues are all or nothing; consensus not possible
- Use scale and better tools; scale (regional) rather than site-specific
- Incorporate systems thinking into processes
- Help participants understand situation using systems perspective
- Consider how race, class, power, politics and money play roles in decision-making
- Help communities use ECR while understanding that the Institute cannot accomplish it alone
- Assist in bringing groups to the table that have not previously been there
- Help corporations avoid later political opposition
- Use “process” to help federal agencies achieve 101
- Identify real practical applications--best practices, standards for mediators, etc.
- Consider that 101 should not be the framework within which the Institute tries to fulfill its role
- Recognize limited budget of Institute and focus on helping agencies address real problems
- Review case experiences of collaborative NEPA processes, identify lessons learned, propose proactive pilot projects
- Ask, “What’s effect of timing when intervention occurs in NEPA process?”
- Evaluate how participants feel about decisions regarding 101 goals?
- Investigate how to operationalize 101(b) and become bottom line standard for environmentally sustainable solutions
- Survey agencies as to how they have addressed 101
- Cannot ignore role of race, class, but can guard against them playing an inappropriate role



**Subcommittees**

Based on the Committee's identification and discussion of areas of valuable inquiry, and pursuant to the Committee's by-laws, the Committee Chair and the DFO announced formation of three subcommittees and the leaders for each of them. The Chair also announced formation and the membership of an overall Steering Committee. Mr. Jensen indicated that the leads would have a chance to shape the subcommittee membership with individuals from the larger Committee as well as others, and that it would be their responsibility to create structure to the work of the given subcommittee. The subcommittees broke into individual meetings and came back together to report next steps on their individual charges to the full Committee. Summaries of each subcommittee meeting are attached as Appendix A.

**Subcommittee:** Section 101 of NEPA

**Leads:** Lynn Scarlett & Don Barry

**Subcommittee Members:** Dinah Bear, Hooper Brooks, Harry Grant, Anne Miller, Greg Schildwachter

**Charge:** Analyze how the Institute can best carry out the provisions stated in its Congressional charge addressing the aspirational goals set forth in Section 101 of NEPA.

**Subcommittee:** Application and Development of Conflict Resolution Principles and Techniques (Best Practices)

**Leads:** Chris Carlson & Mike Sullivan

**Subcommittee Members:** Cindy Burbank, Terry Williams, Bruce Meyerson, Dean Suagee, Pauline Milius, Gail Bingham, Patrick Meehan

**Charge:** Provide guidance on appropriate strategies, practices and policies for environmental conflict resolution. Recommend ways to communicate appropriate use of environmental conflict resolution to parties engaged across the spectrum of Institute activities. Review lessons learned from Institute experience and its program evaluation findings.

**Subcommittee:** Stakeholder Communities: Underengaged/Disenfranchised Communities

**Leads:** Stan Flitner & Larry Charles

**Subcommittee Members:** Dwight Evans

**Charge:** Identify policies and practices that can help allow a truly representative range of stakeholders to participate in and influence environmental and natural resource decision making and conflict resolution.

**Steering Committee**

**Membership:** Tom Jensen, Dinah Bear, Dwight Evans, Greg Schildwachter, Sally Collins, Mary Peters (Cindy Burbank), Brent Blackwelder, Harry Grant

**Charge:** The steering committee will help with overall coordination and communication among the subcommittees and provide general guidance on direction for the Committee-at-large.

**Next Meeting**

The Committee agreed to evaluate the week of June 9<sup>th</sup> for the next meeting. It was agreed that a 2-day meeting would be held on the eastern seaboard with subcommittee meetings before or during.

**Public Comment**

The Chair inquired whether any member of the public was present and wished to make verbal comment to the Committee. No person expressed a desire to address the Committee.

**Adjournment**

The Designated Federal Official adjourned the Committee meeting at 2:15 pm.

## **APPENDIX A**

### **SUBCOMMITTEE MEETING SUMMARIES**

NEPA 101 Subcommittee of the National Environmental Conflict Resolution Advisory Committee – First meeting 11/20/2002

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#### **Attendance**

Leads: Don Barry & Lynn Scarlett  
Members: Dinah Bear, Hooper Brooks, Harry Grant, Anne Miller, Greg Schildwachter  
Observers: Julia Riber, NEPA Specialist, USDA Forest Service  
Jo Barnier, NEPA Program Coordinator, U.S. Institute for Environmental Conflict Resolution

#### **Summary**

The group began with the three NEPA 101-related discussion questions given to the FACA committee. They also reviewed the Environmental Policy and Conflict Resolution Act of 1998, particularly section 4(8).

Discussion points included:

- If section 101 is better implemented, will there be less need for conflict resolution?
- Reconciling streamlining emphasis with the value of collaboration, which takes time.
- Can we find incentives to form better coalitions? (role of Institute in recommending methods and techniques)
- Institute should continue its focus on conflicts, while trying to move collaboration earlier into the process.
- How to promote the use of Section 101 at the policy, program, and plans level of agencies? (Barriers and solutions)
- Parse out the key elements of subsections a,b,c etc. for further discussion
- How to reinforce the 101(b) list as standards or a “floor” (in a non-litigative sense; incentives may be reducing conflicts or gaining efficiencies)
- Links to the five goals of the U.S. Institute’s ICON (Innovative Collaborative Opportunities for NEPA) program; look at this further.
- The Institute (ECR) is a vehicle or tool to do a good job of the “balancing” called for in NEPA section 101.

A working group (Don Barry, Lynn Scarlett, Dinah Bear, and Tom Jensen) will narrow these for further committee work by conference call.

Additional members (outside the FACA committee membership) will likely be added to the subcommittee, after the scope of subcommittee work is narrowed and criteria are developed for skills/perspectives that would be useful additions. Subcommittee will meet again by conference call, and plans to meet in the Washington D.C. area in early 2003.

Policy & Best Practices Subcommittee of the National Environmental Conflict Resolution  
Advisory Committee – First meeting 11/20/2002

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**Attendance:**

Leads: Christine Carlson and Mike Sullivan  
Members: Patrick Meehan, Cindy Burbank, Gail Bingham, Terry Williams, Bruce Meyerson, Dean Suagee, Pauline Milius  
Observers: Joan Calcagno, Kirk Emerson, Michael Eng, and Sarah Palmer, U.S. Institute for Environmental Conflict Resolution

**Summary:**

What follows is an outline of the discussion in the subcommittee. It is drawn from somewhat sketchy notes and we welcome elaborations and additions from other members of the committee.

The tasks to be undertaken by the subcommittee were not explored by the full advisory Committee. Therefore we began by getting some background from Sarah Palmer about work that the USIECR is undertaking to review existing best practices in the field of environmental conflict resolution. After listening to her report, the subcommittee had some discussion about their role in relation to the best practices development. They felt the best practices should be developed by USIECR. Later, the subcommittee could discuss how to communicate the best practices to agencies and other stakeholders. USIECR staff will keep the Committee informed about the reasons for developing the best practices as well as their progress to that end.

USIECR staff also briefly described the program evaluation system they are putting in place and what they hope it will produce. The subcommittee talked about other ideas concerning their role:

- a) Reviewing evaluation of cases at three stages: before the intervention, the ECR process, and post process for lessons learned about best practices and standards for measuring effectiveness.
- b) Drawing lessons from the Institute's evaluation on such topics as systems design or identifying triggering mechanisms that could be included in policies to promote appropriate use of ECR.
- c) Reviewing USIECR overall outcomes and making recommendations.

Next the subcommittee brainstormed ideas for possible projects. They included the following items:

- 1) An Initiative to encourage federal district courts to make greater use of ECR (Bruce Meyerson to develop).
- 2) Work with agencies to help them build capacity to analyze conflicts and disparities, and develop preventative or upstream systems to address them.
- 3) Work with agencies to develop approaches for integrating ECR in the culture of agencies and of tribes and other key participant groups.
- 4) Develop recommendations about mechanisms for USIECR to disseminate information about problems identified and best practices to address them.
- 5) Based on evaluation of experience and outcomes, make recommendations for new ECR mechanisms.

The subcommittee discussed how it would operate vis a vis the advisory Committee. There was general endorsement for the proposal that the group regularly make recommendations to the full advisory Committee rather than wait until the end of the two year term of the Committee.

Next Steps: Members of the subcommittee will over the next month submit one paragraph description to flesh out the #1-5 options, including:

- The problem to be addressed
- The product or outcome to be developed
- The activities that need to be undertaken to achieve the objective

Please let us know whether this summary captures the discussion or let us know what is missing.

Stakeholder Communities Subcommittee of the National Environmental Conflict Resolution  
Advisory Committee – First meeting 11/20/2002

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**Attendance**

Leads: Larry Charles & Stan Flitner  
Members: Dwight Evans  
Observers: Melanie Emerson, U.S. Institute for Environmental Conflict Resolution  
Ellen Wheeler, U.S. Institute for Environmental Conflict Resolution  
Thomas Jensen, Committee Chair

**Summary**

The subcommittee identified three primary topics to cover in the meeting: 1) what is the subcommittee's charge, 2) how will the subcommittee expand its membership and be structured, and 3) by what process will the subcommittee get its work done and what resources are available to support that work?

There was much discussion over the actual charge of the subcommittee—the group grappled with the question of whether their charge was to determine how disenfranchised or underengaged stakeholders could most effectively be brought into and effectively function within ECR processes, or whether their charge was in fact to create an environment ripe for all potential stakeholders to most effectively prepare for and function within ECR processes. After substantial discussion the subcommittee determined that it is to the benefit of the most impacted and potentially unengaged stakeholders that **all** stakeholders in an ECR process be equally supported and educated. It was noted that the best thing to do for unenfranchised communities is to develop a model for education while enhancing the ability for all stakeholders to participate.

The subcommittee then agreed to the following objective as the foundation for the subcommittee's work: To educate and enhance the ability of all stakeholders to effectively participate in ECR processes.

The subcommittee also agreed to identify itself with the name of "Stakeholder Communities".

Because of the large diversity of interests represented by "stakeholder communities, the subcommittee determined that its structure would be two-tiered with a core group (of some advisory Committee members and others) acting as the official membership of the subcommittee, and a larger forum representing a wide variety of interests from whom feedback would be solicited on decisions and products of the core subcommittee.

The subcommittee brainstormed interests that might be included in the core or expanded membership of the subcommittee:

- Recreators (hunters, public land users)
- Indigenous people (natives of the contiguous 48, Alaska & Hawaii)
- Educators (K-12)
- Urban communities
- Regulators
- Federal agencies
- Local government (county commissioners)
- Ranchers/agriculture
- Spanish-speaking communities

- Environmental advocates
- Immigrant populations
- Asians/Pacific islanders
- Fishing/coastal communities
- Timber
- Mining
- Rural communities
- Business/industry
- Religious communities

The subcommittee determined that its next meeting will be by conference call/in-person, to revisit the structure of the subcommittee and ensure that all groups are represented—objectives will be reaffirmed with the complete subcommittee and products to be developed will be clearly identified. Suggestions for subcommittee products were models and standards, resources of successes (with contact information), definition of terms (for self-education), listing of other resources available, including IECR, a set of procedures rather than extra work for IECR on issue after issue.